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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,978	01/05/2001	Martin Roos	4484 US	4757

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EXAMINER	
HO, THOMAS Y	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,978	ROOS, MARTIN	
	Examiner	Art Unit	
	Thomas Y Ho	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-11 are pending. No claims have been withdrawn or cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593.

As to claim 1, Mitsui discloses, an operating arrangement (Figures 11-13) for a sliding door 3 (the limitation "for a sliding door" is intended use and holds little patentable weight; the structure of the operating arrangement is not further defined by the type of door, and the door is merely the environment surrounding the claimed invention), comprising: a door lock 80/86 (the limitation "for locking…the door" is merely functional language directed toward the intended use, and holds little patentable weight; further, Dowling discloses this ability as detailed below), a latching device 8 (actually 8 from Mitsui with L from Dowling; the combination will be explained in detail below) which is distant from the door lock and can be arrested in a positive-locking manner, and inside door operating means having an inside door handle 65, and outside door operating means having an outside door handle 5, and a plurality of connecting elements 63/66/78 including a first connecting element 66 coupled to the inside door operating means, a second connecting element 63 coupled to the outside door operating means, and a third

connecting element 78 coupled to the latching device, a driven element 64/67/76 (area around the slots) drivable by either one of the inside door handle and the outside door handle via respectively the first connecting element or the second connecting element to act on the latching device via the third connecting element, wherein the door lock and the latching device are able to be operated mechanically by the door handles via said plurality of connecting elements, and logical functions for locking/unlocking the sliding door are realized in the door lock, and wherein the connecting elements are provided with driver elements (bent ends of 63/66/78) located between the two door handles and the door lock at a distance from the door lock, to effect the drivability of the driven element by either one of the door handles (col.5, ln.55-68; col.6, ln.10-20, ln.40-60), and wherein the first connecting element is uncoupled from the second connecting element enabling the first and the second connecting elements to move independently of each other.

The difference between the claim and Mitsui is the claim recites that the latching device serves for holding the sliding door in its open position. This limitation holds little patentable weight because it is functional language and does not further define a structural element of the operating arrangement. Nevertheless, Dowling discloses a sliding door operating arrangement having a rear latch unit D similar to that of Mitsui. In addition, Dowling further teaches that a latching device L is used in combination with the rear latch unit D, and operated by the same inside and outside handles as D, to keep a door latched in the open position (col.2, ln.45-55; col.4, ln.55-68). It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Dowling before him at the time the invention was made, to add to the latching device 8 of Mitsui a hold-open latch L, as in Dowling, to obtain a door that can be maintained in a closed and

open positions. One would have been motivated to make such a combination because the ability to hold the sliding door in both closed and open positions would have been obtained, as taught by Dowling (col.4, ln.55-67).

As to claim 2, Mitsui discloses, wherein at least for said two door handles separate ones of said connecting elements and said driver elements are provided, the latter interacting with said driven element.

As to claim 3, Mitsui discloses, wherein the driver elements lie directly next to one another and said connecting elements form the door handles run parallel to one another at least in this region (see Figure 11).

As to claim 4, Mitsui discloses, wherein the driver elements act on a reversing lever 61/74 on which the third connecting element to the latching device is secured.

As to claim 5, Mitsui discloses, wherein the driver elements are uncoupled (by movement of the pin 89 within the L-shaped slot) from the third connecting element to the latching device such that driving only takes place in one direction of movement of the driver elements relative to the connecting element.

As to claim 6, Mitsui discloses, wherein uncoupled driving takes place by simple bearing of said drive elements against a driving surface (edges of slots 64/67/76) on reversing lever.

As to claim 11, Mitsui discloses, a system for operating a sliding door in a vehicle, the system comprising: a door lock 80/86 for securing the door in its closed position, a latching device 8 (in combination with L from Dowling) which can be arrested in a positive-locking manner, an inside door operating means having an inside door handle 65, an outside door operating means having an outside door handle 5, connecting

elements 63/66/78, and a driven element 64/67/76 having opposed first and second ends; wherein the door lock and the latching device are operated mechanically by the inside and the outside door handles via respectively a first and a second of said connecting elements 63/66; logical functions for locking/unlocking the sliding door 3 are realized in the door lock; the first and the second connecting elements connect to the first end of the driven element 64/67/76 (edges of slots) and act via a pivoting of the driven element to drive the latching device, the latching device being coupled via a third one 78 of said connecting elements to the second end of said driven element, and wherein the first and the second connecting elements are provided with driver elements (bent end portions of 63,66) located between the inside door handle and the outside door handle at a distance from the door lock to effect the drivability of the driven element by either one of the door handles.

Dowling teaches a latching unit that comprises the combination of a rear latch unit D with a latching device L to hold the sliding door in open and closed positions.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593, and further in view of Jyawook US6256932, and further in view of case law.

As to claim 7, the difference between the claim and Mitsui is the claim recites, wherein the connecting elements are at least partially formed as Bowden cables. Jyawook discloses a door latch similar to that of Mitsui. In addition, Jyawook further teaches the equivalence of rods and Bowden cables as mechanical links (col.1, ln.15-21). It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Jyawook before him at the time the invention was made, to modify the rods of

Mitsui to be replaced by the Bowden cables of Jyawook, to obtain connecting elements formed as Bowden cables. One would have been motivated to make such a combination because inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 8, Jyawook teaches connecting elements that are Bowden cables continuous in a region of driver elements, with sheaths being omitted in the region (Figure 15).

As to claim 9, Mitsui discloses, an operating arrangement for a sliding door 3, comprising: a door lock 80/86, a latching device 8 which can be arrested in a positive-locking manner, an inside door operating means having an inside door handle 65, an outside door operating means having an outside door handle 5, and a plurality of connecting elements 63/66/78 including a first connecting element 66 coupled to the inside door operating means, a second connecting element 63 coupled to the outside door operating means, and a third connecting element 78 coupled to the latching device, a driven element 64/67/76 (areas around the slots) drivable by either one of the inside door handle and the outside door handle via respectively the first connecting element or the second connecting element to act on the latching device via the third connecting element, wherein the door lock and the latching device are able to be operated mechanically by the door handles via said plurality of connecting elements and logical functions for locking/unlocking the sliding door are realized in the door lock, and wherein the connecting elements are provided with drive elements (bent ends of 63/66) located between the two door handles at a distance from the door lock to effect the drivability of

the driven element by either one of the door handles; wherein individual ones of the plurality of connecting elements are rods, and said rods of the first and second connecting elements from the door handles are continuous in a region of the drive elements, the driven element comprising a reversing lever 61/74 pivotally mounted within a housing body (door 3).

Dowling teaches a latching device D/L that is the combination of a rear latch unit and a hold open latch. Jyawook teaches, Bowden cables in place of rods, wherein Bowden cable sheaths are omitted in the region of a drive element, and Bowden cable sheaths of the first and second connecting elements are end molded onto walls of the housing body (Figure 15) on which the reversing lever is pivotably mounted.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593, and further in view of Jyawook US6256932, and further in view of Pastva US3857594, and further in view of case law.

As to claim 10, the difference between the claim and Mitsui is the claim recites, said housing body is of substantially mirror-symmetrical formation. Pastva discloses a sliding door lock assembly similar to that of Mitsui. In addition, Pastva further teaches the operating arrangement of the system is contained in a housing 10 that consists of two mirror symmetrical halves 12,14. It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Pastva before him at the time the invention was made, to modify the operating arrangement of Mitsui to be contained in a symmetrical housing, as in Pastva, to obtain a housing body around the operating arrangement. One would have been motivated to make such a combination because it is

old and well known in the art to provide door-operating assemblies with housings for protection from the elements. For further evidence, applicant is directed to GB2240583 (Abstract) and DE3934982A (Abstract), with both references teaching the advantages of using a housing as being old and well known in the art.

Response to Arguments

Applicant's arguments filed 4/5/04 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. The same references have been applied with an alternate interpretation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a door lock that covers the functions of latch mechanism and control mechanism) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Mitsui clearly discloses that the elements 80/86 are a door lock and that the latch mechanism is element 8.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*,

958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mitsui, the base reference, discloses a latching mechanism that comprises a rear door latch 8, while Dowling teaches a latching mechanism having a rear door latch D and a hold open latch L together in combination. Furthermore, Dowling discloses the motivation to have both types of latches together in a latching mechanism. The combination rejection of Mitsui in view of Dowling would add the latch unit L of Dowling into the apparatus of Mitsui, so the latching mechanism would be comprised of 8 from Mitsui with L from Dowling together.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

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